

Nos. 2013-1665, -1666, -1667

**UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT**

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ADJUSTACAM, LLC,  
*Plaintiff-Appellant,*

v.

NEWEGG INC., NEWEGG.COM, INC., & ROSEWILL, INC.,  
*Defendants-Cross Appellants,*

and

SAKAR INTERNATIONAL, INC.,  
*Defendant-Cross Appellant.*

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APPEAL FROM THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS IN CASE NO. 10-CV-329  
THE HONORABLE CHIEF JUDGE LEONARD DAVIS

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**MOTION FOR LEAVE TO FILE BRIEF FOR *AMICI CURIAE*  
GARMIN INTERNATIONAL, INC., KASPERSKY LAB,  
LIMELIGHT NETWORKS, INC., SAP AMERICA, INC., SAS  
INSTITUTE INC., AND XILINX, INC. IN SUPPORT OF CROSS  
APPELLANTS NEWEGG INC., NEWEGG.COM, INC., &  
ROSEWILL, INC.**

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*Attorneys for AMICI CURIAE*

October 1, 2014

## FORM 9. Certificate of Interest

## UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

\_\_\_\_\_ v. \_\_\_\_\_

No. \_\_\_\_\_

## CERTIFICATE OF INTEREST

Counsel for the (petitioner) (appellant) (respondent) (appellee) (amicus) (name of party)

\_\_\_\_\_ certifies the following (use "None" if applicable; use extra sheets if necessary):

1. The full name of every party or amicus represented by me is:

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2. The name of the real party in interest (if the party named in the caption is not the real party in interest) represented by me is:

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3. All parent corporations and any publicly held companies that own 10 percent or more of the stock of the party or amicus curiae represented by me are:

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4. The names of all law firms and the partners or associates that appeared for the party or amicus now represented by me in the trial court or agency or are expected to appear in this court are:

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\_\_\_\_\_  
Date\_\_\_\_\_  
Signature of counsel\_\_\_\_\_  
Printed name of counsel

Please Note: All questions must be answered

cc: \_\_\_\_\_

Pursuant to Federal Rule of Appellate Procedure 29, *amici curiae* Garmin International, Inc., Kaspersky Lab, Limelight Networks, Inc., SAP America, Inc., SAS Institute Inc., and Xilinx, Inc. (collectively *Amici*”) respectfully submit this brief in support of Defendants-Cross Appellants Newegg Inc., Newegg.com, Inc., & Rosewill, Inc. (collectively “Newegg”) and in support of Newegg’s request for reversal of the District Court’s denial of an exceptional case finding and an award of fees.

*Amici* have all been subjected to meritless patent suits and have been burdened by the high-cost of defending against such litigation. *Amici* regularly face settlement demands in these meritless cases and the dilemma of either paying the high cost of defense or paying less to settle. *Amici* thus have a substantial interest in the use of fee shifting to encourage plaintiffs to file only meritorious suits.

This motion and proposed brief are timely filed under Federal Rule of Appellate Procedure 29(e), as it is within 7 days of the filing of Newegg’s principal brief.

Counsel for *Amici* conferred with counsel for the parties. Counsel for Newegg consents to this filing. Counsel for Adjustacam, LLC opposes.

DATED: October 1, 2014

Respectfully submitted,

KILPATRICK TOWNSEND &  
STOCKTON LLP

By: /s/ Steven D. Mooore  
STEVEN D. MOORE

*Attorneys for AMICI CURIAE*

## FORM 30. Certificate of Service

**UNITED STATES COURT OF APPEALS  
FOR THE FEDERAL CIRCUIT****CERTIFICATE OF SERVICE**

I certify that I served a copy on counsel of record on  
by:

October 1, 2014

- ☐ US mail  
☐ Fax  
☐ Hand  
☒ Electronic Means  
(by email or CM/ECF)

Steven D. Moore

Name of Counsel

/s/ Steven D. Moore

Signature of Counsel

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NOTE: For attorneys filing documents electronically, the name of the filer under whose log-in and password a document is submitted must be preceded by an "/s/" and typed in the space where the signature would otherwise appear. Graphic and other electronic signatures are discouraged.